

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MARY PRZYTULA and BRAD BREDE, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.

No. 17 Civ. 5124

DECLARATION OF TIM PALMER

I, TIM PALMER, based on my personal knowledge of the facts stated herein, testify by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. Every Bed Bath and Beyond Inc. ("BBB") store is different. As such, the facts set forth in this Declaration are based on my personal knowledge from experience working in specific BBB stores.
4. I became employed by BBB in October, 2001, as a Department Manager. I was eventually promoted to Assistant Store Manager, and then to Store Manager. Approximately 10 years ago, I was promoted to District Manager, my current position.

5. In my capacity as District Manager, I currently oversee 9 New York stores primarily in the Long Island area, as well as Queens and Brooklyn. 7 of my stores are very high volume, 1 is high volume, and 1 is mid volume.

6. Typically, a BBB District Manager has responsibility for a number of stores in a particular geographic area. Reporting to the District Manager are Store Managers, each of whom is responsible for a single store. The Store Managers, in turn, have Assistant Store Managers ("ASMs") reporting to them. In my District, each store has between 2 and 5 ASMs. Each store has between 0 and 4 Department Supervisors who report to the ASMs. ASMs also oversee hourly store associates. The number of hourly associates varies greatly from store to store, with my mid volume store having 33 associates and my higher volume stores having upwards of 100.

7. There are two types of ASMs at BBB: Operations Managers and Merchandise Assistant Managers. All ASMs at BBB in my District are classified as exempt employees.

8. Both Operations Managers and Merchandise Assistant Managers are expected to do primarily exempt work. The responsibilities required of an ASM vary as a result of a number of factors.

9. One of these factors is store volume. While their exempt responsibilities remain the same, their individual experience varies. In a high volume store, ASMs have more Department Supervisors and hourly associates that they are responsible for training, supervising, scheduling, and disciplining.

10. The turnover rate in certain stores also plays a role in ASMs' experiences. In stores with a higher turnover rate than others, ASMs typically conduct more interviewing and hiring, as well as more training and discipline. ASMs in stores that have longer tenured or

experienced associates do not need to interview or recruit new candidates and/or train and discipline their associates as often.

11. The type of ASM (Operations vs. Merchandise Assistant) has an impact on their day-to-day responsibilities. While both types of ASMs are responsible for managing the Department Supervisors and store associates who report to them, Operations Managers generally supervise more employees than Merchandise Assistant Managers and in different ways. For example, the Operations Managers are responsible for managing the store's productivity in receiving freight and efficiently distributing it within the store; whereas the Merchandise Assistant Managers are responsible for managing the overall presentation of the store and ensuring that the store's products meet the needs of the local customer base.

12. Seasonality also plays a role. For example, ASMs typically have more associates scheduled and to supervise during the back to school and holiday seasons. And, during these busy seasons, Operations ASMs typically supervise more associates than Merchandise Assistant Managers given the needs of the business.

13. In my experience, ASMs are important members of management. They are the leaders of the store, in charge of assisting the Store Manager with running the store, and are responsible for training and developing the associates. When a Store Manager is not at the store, the Assistant Store Manager is in charge of the entire store.

14. Daniel Kehoe was employed as an Assistant Store Manager in one of my stores, Store 850 in Bohemia, New York. Store 850 is a very high volume store with 3 ASMs, 2 Department Supervisors, and over 100 associates. When we promoted Daniel Kehoe to the position of ASM, we spent a significant amount of time on training him and he understood what

his job duties as an ASM required. Despite this, Daniel Kehoe was below average as an ASM when it came to managing his associates, motivating his team, and holding them accountable.

15. Lori Forde also worked as an Assistant Store Manager in Store 850 in Bohemia, New York. Like Daniel Kehoe, we spent a significant amount of time training Lori upon her promotion. Lori had a difficult time transitioning into her role as an ASM and, instead, she often sought guidance or help from other senior managers as if she were still a trainee. Lori was also below average when it came to managing her team and multi-tasking with the various responsibilities required of ASMs. Lori was unable to effectively accomplish tasks through her team. She lacked the ability to manage her associates in a productive manner and often failed to hold her associates accountable.

16. Brad Brede also worked as an Assistant Store Manager in two of my stores, Store 260 in Westbury, New York and Store 850 in Bohemia, New York. Like Store 850, Store 260 is also a very high volume store with 5 ASMs, 4 Department Supervisors, and over 130 store associates. Given the volume of the store, Brad was responsible for managing and supervising a large number of Department Supervisors and associates. However, Brad's performance as an ASM and his managerial skills were well-below average. Brad was inconsistent at ensuring that his team was motivated and maintaining adequate productivity levels and Brad rarely ever disciplined or held his associates accountable.

17. John Dunne also worked as an Assistant Store Manager for a period of time in one of my stores, Store 1246 in Flushing, New York. Store 1246 is my mid volume store, with 2 ASMs, 1 Department Supervisor, and approximately 33 store associates. During his time in Store 1246, John lacked the motivation expected of BBB's ASMs and consistently failed to take initiative in performing his job duties. Given that Store 1246 is a mid-volume store with fewer

members of senior management, John was expected to know the operational and merchandising aspects of the store, particularly in instances where John was the only manager in the store. Despite this, John told me that he was not interested in learning the Operations side of the business. Even after John had been an ASM for a couple of years, I still had to train and coach him on how to run different sections of the store.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18 day of December, 2017.

By: 

Tim Palmer
District Manager
Bed Bath and Beyond Inc.